

**Statement of
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Before the

**Subcommittee on National Parks, Forests, and Public Lands
Natural Resources Committee
United States House of Representatives**

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Concerning

**H.R. 2334, Rocky Mountain National Park Wilderness and Indian Peaks Wilderness
Expansion Act
H.R. 3287, Tumacacori Highlands Wilderness Act of 2007
H.R. 3513, Copper Salmon Wilderness Act
H.R. 3682, California Desert and Mountain Heritage Act**

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to provide the Department's view on the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act, the Tumacacori Highlands Wilderness Act of 2007, the Copper Salmon Wilderness Act, and the California Desert and Mountain Heritage Act. I will address each of these individually.

**H.R. 2334, Rocky Mountain National Park Wilderness and Indian Peaks Wilderness
Expansion Act**

Section 6 of H.R. 2332 would remove acreage from the Arapaho National Recreation Area in the Arapaho-Roosevelt National Forest and designate the land as an addition to the existing Indian Peaks Wilderness Area. The Department of Agriculture supports the addition to the Indian Peaks Wilderness.

We defer to the Department of the Interior regarding those portions of the bill affecting lands administered by the National Park Service.

H.R. 3287, Tumacacori Highlands Wilderness Act of 2007

This bill would designate new wilderness areas on the Coronado National Forest in Arizona by expanding the Pajarita Wilderness approximately 5,500 acres (for a total of about 13,300 acres) and designating some additional 70,000 acres as the Tumacacori Highlands Wilderness.

The Administration supports the designation of wilderness for areas that are consistent with the characteristics of wilderness described in the Wilderness Act of 1964 – areas dominated by the forces of nature, with primeval character and natural conditions that contrast with developed lands and offer outstanding opportunities for solitude or primitive and unconfined recreation. An initial assessment indicates that much of the area proposed in this bill has outstanding potential for wilderness designation. However, the Administration is concerned about conflicting demands in portions of the proposed wilderness associated with access, resource management, and border security that would compromise the wilderness characteristics of these portions. In addition, the Administration would prefer to engage the public through a public planning process to help determine which areas of the Coronado National Forest merit recommendation for wilderness designation. We would like to work with the bill's sponsors and the Subcommittee to seek agreement on these concerns.

The lands that would be designated wilderness by H.R. 3287 are located approximately 25 miles south of Tucson, Arizona and extend to the U.S. border with Mexico. The Tumacacori Mountains dominate the landscape, rising to about 5,800 feet above sea level and are covered with forested vegetation. These “sky islands” have steep slopes that are cut by intermittent drainages lined with lush riparian vegetation, which drain to a desert floor covered with Sonoran desert vegetation. The area provides habitat for five endangered species and four threatened species, including habitat for jaguars, which have been spotted several times in the vicinity.

There are at least eight active range allotments and associated range improvements within the proposed areas that require occasional maintenance, including earthen tanks, water wells, water catchments, gates, and fences. The area provides trophy deer hunting and other undeveloped recreational opportunities. There are few roads, and the Forest Service lacks legal rights-of-way on several roads that could otherwise provide public access to the area.

Fifty-four miles of the Coronado National Forest are contiguous with the Mexican border, including approximately 5 miles of the current Pajarita Wilderness, and some 5 miles of the proposed Tumacacori Highlands Wilderness. This area is currently experiencing unprecedented pressure from various illegal activities.

Initiatives by the U.S. Border Patrol (Border Patrol) in Arizona to control areas of the border on either side of the Coronado National Forest has funneled growing amounts of illegal vehicle and foot traffic through the valleys and mountains of the Forest. The Border Patrol's Tucson Sector, which encompasses most of the Coronado National Forest, has the highest incidence of cross-border violators in the nation. In fiscal year 2007, the Border Patrol apprehended 35,706 undocumented aliens and engaged with 581 illegal vehicle entries in the Coronado National Forest. In addition, 196,794 pounds of marijuana were seized while being transported through the Forest.

The damaging effects of thousands of undocumented aliens crossing this area of the border are significant and include:

- Damage to natural and cultural resources resulting from many miles of illegal roads and trails, fouling of water sources, and deposits of large amounts of trash, human waste, and abandoned vehicles. Tons of litter and human waste are left behind, which are difficult to remove in designated wilderness where removal by horses or mules is required.
- Federal facilities and property of livestock permittees, miners and other authorized users of the forest are heavily impacted by cross-border violators, who sometimes cut fences, damage roads, break down or leave gates open, damage water supplies and forage, steal or damage equipment, and disrupt livestock grazing and irrigation schedules.
- Numerous wildfires resulting from arson and abandoned warming, cooking, and signal fires have destroyed valuable natural and cultural resources, and put firefighters and forest visitors at risk.
- Exploitation of undocumented aliens by smugglers brings with it an increase in other criminal activities and violence. Criminal activity is a threat to members of the public trying to use their public lands, and to employees who manage these lands and provide services to the public.

The Forest Service and Border Patrol coordinate with all other federal, state, tribal and local land management and law enforcement agencies through the Borderland Management Task Force (BMTF). The Border Patrol has also established a special public lands liaison position to work closely with public land management and law enforcement personnel. In the spring of 2006, the Departments of Homeland Security, Interior, and Agriculture signed a memorandum of understanding (MOU) for cooperative national security and counterterrorism efforts along the United States' borders.

The MOU provides guidance to coordinate border enforcement operations, including minimizing or preventing impacts to natural and cultural resources. Along the U.S.-Mexico border, a sixty-foot wide strip designated in 1907 referred to as the "Roosevelt Reservation" is reserved primarily for border enforcement purposes. Where the Forest Service has primary jurisdiction, the MOU outlines procedures for working in designated wilderness or wilderness study areas. For example, U.S. Customs and Border Patrol agents may patrol on foot or horseback, and operate motor vehicles on roads or areas that are already authorized for those uses by the public or administratively. Motorized use in wilderness areas is permitted in emergency situations to pursue suspects or in an emergency situation that involves human life, health, or safety. Written agreement is required for additional access to areas not previously designated for off-road use, further requiring that the lowest impact mode of travel and operational set-up be used to accomplish the mission. The MOU also outlines procedures for approving and installing

detection infrastructure within wilderness areas, using the “minimum tool” analysis to determine transit modes.

We will continue to use, and to encourage the Border Patrol to use, the management tools that have the least impact on natural resources to fulfill our agency responsibilities. Currently, both agencies use motorized vehicles and aircraft, as well as improvements such as communications towers in the area proposed for wilderness by H.R. 3287. We are concerned that further restrictions on use of these tools as a result of wilderness designation could hinder our law enforcement effectiveness.

In addition to the MOU, the Forest Service and Border Patrol recently developed a strategic plan to implement border security operations on the Coronado National Forest. The strategic plan addresses the flow of illegal aliens and narcotic smugglers and emphasizes a first line of defense at the border 24 hours a day, 7 days a week to stop violators before they enter the Coronado National Forest. However, the area’s rugged terrain, and, to some extent, wilderness management requirements increases the complexity of border security operations. For example, the strategic plan calls for reestablishment of the historic “Screwworm” pack trail on the Coronado National Forest along the border within existing and proposed wilderness to open it up for motorized patrol on all terrain vehicles.

Due to the intensive illegal activity and the need for enforcement action and resource management along the border, the Administration believes that portions of the proposed Tumacacori Highlands Wilderness are not suitable for wilderness designation at this time.

The Department of Agriculture is concerned with the extensive use of “cherry stems” to exclude designated roads or travelways from this wilderness designation. Our understanding is that these routes are intended to provide motorized access for permittees and for public access. However, in our view, it is important to maintain the integrity of wilderness by designating only those areas which are, as stated in the Wilderness Act and in Forest Service policy, “dominated by the forces of nature”. Allowing for continued motorized use miles into a designated wilderness, even along undesignated corridors, can lead to motorized incursions from the roadways, noise, and other intrusions. We recommend that areas where motorized use is necessary for range permittees and for hunting, undeveloped recreation, and forest administration be omitted from wilderness designation.

Another important issue of concern involves road access. Although maps indicate a number of roads lead from Interstate 19 on the east and Arivaca Road on the west to the proposed wilderness areas, the Forest Service lacks legal rights-of-way for public use of many of these roads. In addition, the designation of the Tumacacori Highlands Wilderness at the northwest border of National Forest System lands would preclude any legal motorized access to this section of the Forest. Over the next few years the Coronado National Forest will engage the public and coordinate with state, county, and tribal governments to identify and designate roads, trails and areas that are open to motor vehicle use through the Travel Management Planning process. This analysis, with public

involvement, will also identify roads that should be decommissioned, including, potentially, several Forest Roads in the proposed wilderness areas that are no longer in use. It will also address the need for new routes along the northwest border of the proposed Tumacacori Highlands Wilderness to link existing roads and provide legal access within the Forest boundary.

The Travel Management Planning process is being coordinated with public involvement for the revision of the Coronado National Forest Land Management Plan, scheduled for completion in 2009. Public workshops have been held in local communities, including one held last week in Rio Rico, Arizona, to engage the public in describing their future resource goals for the Coronado National Forest. Part of the process is to complete a Wilderness Needs Assessment, which analyzes all Forest lands to determine which areas meet the criteria for wilderness recommendation. The Administration would prefer to engage the public through this planning process to help determine which areas of the Coronado National Forest merit recommendation for wilderness designation.

In summary, the Administration believes that much of the area proposed for wilderness designation by H.R. 3287 merits consideration for wilderness recommendation using criteria established by the Wilderness Act. However, we have concerns that other areas, primarily at the edges of the proposed wilderness are either not consistent with wilderness criteria, or present difficult management situations that may change at a future time. In addition, we prefer to engage in the public planning process as a means of recommending wilderness for designation. We would like to work with the bill's sponsors and the Subcommittee to discuss areas of agreement and concern.

H.R. 3513, Copper Salmon Wilderness Act

H.R. 3513 would designate approximately 13,700 acres of the Rogue River-Siskiyou National Forest as wilderness and designate segments of the North and South Forks of the Elk River as additions to the existing Elk Wild and Scenic River.

The Department supports this bill, but requests some important adjustments to the wilderness boundary. These adjustments would provide for better separation of motorized use from the wilderness, allow for road maintenance activities within road clearing limits (such as ditch cleaning and culvert and bridge maintenance), as well as to accommodate treatments of plantations that would improve forest health and habitat diversity while increasing firefighter safety.

The wilderness proposal comprises 13,700 acres of rugged forested land surrounding Copper Mountain, Barklow Mountain, and Salmon Mountain adjacent to the Grassy Knob Wilderness. It contains vast stands of Douglas fir and relatively rare native Port Orford cedar trees. About ten percent of the proposed wilderness area is designated in the Siskiyou National Forest Plan as a "Supplemental Resource Area", considered highly productive habitat for wildlife and fish, critical for the maintenance of watershed condition, and with special recreation values. Lands within the proposed wilderness are primarily allocated as Late Successional Reserves (LSR) under the Northwest Forest

Plan. LSRs are designed to serve as habitat for old growth-related species. This LSR allocation includes 2,267 acres of previously managed overstocked Douglas fir plantations.

Using perimeter forest roads as the boundary designation as in H.R. 3513 would likely lead to unintended incursions of motorized vehicles and mechanized equipment into the wilderness. In addition most of the plantations adjacent to forest roads that comprise a portion of the wilderness boundary (about 1,000 acres) were included in the Coastal Healthy Forest Environmental Analysis signed in 2007. Treatment of these stands would improve habitat conditions for fish and wildlife, reduce effects from insects and disease, and provide defensible space for firefighters in the event of a wildfire, consistent with their allocation as Late Successional Reserve (LSRs). Wilderness designation would preclude this treatment.

The proposed wilderness includes about nine miles of designated roads. All but two of those road miles are currently closed to vehicular traffic; however, these roads are highly engineered up steep slopes, with significant cuts and fills, culverts, and other constructed features. If the area is designated as wilderness, the forest would consider converting some of these roads into hiking and equestrian trails to improve access, but most would require decommissioning to protect water quality and fisheries resource values. This would require significant investment to remove culverts and contour the land to reduce erosion.

The Department would like to work with the bill's sponsor and the committee to offset the wilderness boundary inward along perimeter roads to implement planned treatments within a reasonable distance of the road, provide for routine road maintenance, and to decrease the likelihood of incompatible motorized use in wilderness. We also request that the bill include the date of the map referencing the intended wilderness configuration.

The bill would designate segments of the North and South Forks of the Elk River as additions to the existing Elk Wild and Scenic River. The Rogue River-Siskiyou National Forest completed an extensive wild and scenic river inventory and, while both tributaries are free-flowing, neither was judged to have an outstandingly remarkable value. Nevertheless, in recognition of the value of managing the Elk River as a system that contributes to one of the most important and valuable runs of anadromous fish in coastal Oregon, the Department does not oppose the proposed additions in this bill. We would like to work with the bill's sponsor on several minor corrections to the description of the Elk Wild and Scenic River.

H.R. 3682, California Desert and Mountain Heritage Act

The Department of Agriculture supports H.R. 3682, if amended.

H.R. 3682 would create two new wildernesses on the San Bernardino National Forest, and add additional acreage to existing designated wilderness on the Cleveland and San

Bernardino National Forests. It would also designate stretches of four rivers on the San Bernardino National Forest as components of the National Wild and Scenic Rivers System. This bill would also expand the boundaries of the Santa Rosa and San Jacinto Mountains National Monument.

There are discrepancies between the proposed wilderness designations in bill, and the revisions to the forest plans for Southern California forests (Forest Plan), the Record of Decision for which was published in the Federal Register on April 21, 2006. Discrepancies also exist between the proposed designations under the Wild and Scenic Rivers Act and the Forest Plan.

During the revision process, most of these proposed wilderness designations were determined not to meet criteria for wilderness suitability. The areas were found unsuitable because of current or potential uses that would conflict with wilderness designation such as reduction of hazardous fuels (mechanical treatments and prescribed burning), elements of fire management (including Burned Area Emergency Response – BAER treatments), current recreational uses (e.g., mountain bikes), grazing improvement maintenance, existing protections (Research Natural Area), external influences and the availability of nearby wilderness.

For example, the portion of the Agua Tibia Wilderness addition in the Cleveland National Forest that would be designated by the bill is not the same as the area of National Forest recommended for wilderness designation in the Forest Plan. We support the addition of the parcel that was recommended in the Forest Plan. We defer to the Bureau of Land Management (BLM) for its part of this proposal.

The Cahuilla Mountain Proposed Wilderness in the San Bernardino National Forest also was found not to meet Forest Service wilderness criteria during the Forest Plan revision process. We continue to support the Forest Plan's final recommendation, developed with public involvement. Therefore, we do not support this proposed addition.

Section 104(f)(2) of the bill contains provisions related to access and use of the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural and religious purposes, including temporarily closing areas to the general public for use by members of an Indian tribe. The Department supports and encourages providing access to tribes consistent with PL 95-341 (also known as the American Indian Religious Freedom Act) but we do not support the provision in the bill. To that end, the Forest Service has directives that allow for voluntary temporary closures to protect privacy for tribes in the conduct of traditional cultural activities. We would like to work with the bill's sponsor, the Subcommittee, and the Department of Justice to address these concerns.

The proposed South Fork San Jacinto Wilderness on the San Bernardino National Forest was found not to meet the wilderness criteria during the revision process. The South Fork San Jacinto area is a combination of two inventoried roadless areas with the same issues as the Cahuilla proposal. We do not support this area to be designated as wilderness.

Additionally, during the revision process thirteen acres of Cactus Springs were recommended as an addition to the Santa Rosa Wilderness. We support this 13-acre addition, and defer to the Bureau of Land Management for its portion of the addition.

Although a suitability study has not been conducted for the four rivers that would be designated by the bill, we do not oppose their addition to the National Wild and Scenic Rivers System based on general support by the communities of interest and consistency of the designation with the management of the National Forest System lands within the river corridors. We wish, however, to work with the Committee to clarify river management and address differences between mileage and classifications in this bill and those in the Forest Plan.

We fully support that portion of the expansion of the Santa Rosa and San Jacinto Mountains National Monument under National Forest management.

Working with the Subcommittee, we are confident that we can remedy the inconsistencies this bill has with our California Forest Plan Revisions.

This concludes my prepared statement and I would be pleased to answer any questions you may have.